



**MARYLAND ASSOCIATION
OF COUNTIES, INC.**

BILL NO.: Senate Bill 920
TITLE: Ethics Online Disclosure Act of 2012
POSITION: **OPPOSE**
DATE: April 4, 2012
COMMITTEE: Environmental Matters
CONTACT: Leslie Knapp Jr.

The Maryland Association of Counties (MACo) **OPPOSES** Senate Bill 920 based on amendment language added on the Senate floor. As amended, SB 920 would require the governing body of a county or Baltimore City to post extensive information from financial disclosure statements on the Internet and require a local elected official or local official to file statements electronically.

Prior legislation (SB 315 of 2010) required local governments and school boards to adopt financial reporting and conflict of interest disclosure requirements that are at least as strict as State reporting requirements. MACo did not object to the legislation and counties have worked with the State Ethics Commission to alter their existing local reporting requirements. However, this bill would apply a “one size fits all” reporting approach that fails to acknowledge the substantial and important differences between the State and local levels of government.

MACo recognizes that an individual who chooses to become a public official must be prepared to give up a certain level of privacy regarding his or her personal life and business dealings. Citizens have a right to determine if an official is acting for personal gain or putting the interests of the official before the interests of the public and disclosure requirements play an important role in making such a determination. However, the level and method of disclosure should be commensurate with the general level of authority and power of the official.

State officials operate on a greater geographic scope than county officials and their decisions carry statewide ramifications. The State also has greater resources to create and maintain an online reporting system. Given the greater power, decision-making consequences and resources of the State, it makes sense to have an online reporting and posting requirement for State officials.

However, county officials have commensurately less power, a smaller geographic scope, and fewer resources. Requiring county governments to create new electronic reporting systems like the one used by the State would be onerous and costly for many counties. Additionally,

counties tend to receive fewer requests for ethics forms. For example, Anne Arundel County has in the past received generally fewer than five ethics form requests annually. It is unreasonable to require the county to create and maintain a new electronic reporting system for such a low number of requests.

SB 920 addresses the important issue of the public's right to know concerning ethics and financial records disclosure. However, the bill fails to acknowledge the different authority, geographic scope, and resource levels between State and county governments. MACo requests that the amended provisions of the bill relating to county officials be deleted. Otherwise, MACo recommends the Committee issue an **UNFAVORABLE** report on SB 920.